

OFFICIAL COPY

Fresno, California

November 9, 1999

The City Council met in joint session with the Redevelopment Agency at the hour of 8:45 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Garry Bredefeld	Councilmember
	Chris Mathys	Acting Council President
	Henry Perea	Councilmember
	Sal Quintero	Councilmember
	Dan Ronquillo	Councilmember
	Ken Steitz	Council President

Jeff Reid, City Manager
Dan Fitzpatrick, Agency Executive Director
Hilda Cantu Montoy, City Attorney (arrived later)
Rebecca Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

(8:30 A.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY

APPROVE AGENCY MINUTES OF NOVEMBER 2, 1999

On motion of Councilmember Perea, seconded by Acting President Mathys, duly carried, **RESOLVED**, the Agency minutes of November 2, 1999, approved as submitted.

(“A”) REQUEST STAFF, IN CONSULTATION WITH THE CITY ATTORNEY, TO PREPARE ENABLING DOCUMENTS AND RECOMMENDATION NECESSARY TO UTILIZE FUNDS FOR ACQUISITION REHABILITATION AND RESALE OF SUBSTANDARD PROPERTIES

1. DIRECTION TO STAFF TO PREPARE AN AMENDMENT TO AAR 99-181 APPROPRIATING \$20,000 FROM DISTRICT 3'S GENERAL FUND INFRASTRUCTURE BUDGET AND \$20,000 FROM THE REDEVELOPMENT AGENCY HOUSING SET ASIDE TO FUND A PROGRAM OR PROJECT FOR THE ACQUISITION, REHABILITATION AND RESALE OF SUBSTANDARD PROPERTIES - COUNCILMEMBER RONQUILLO

Councilmember Ronquillo referenced his red-tag item which outlined the proposed pilot housing rehabilitation program, and noted the proposed direction to staff would enable staff to proceed with moving funds to a non-profit.

Terry Tuell, 2695 W. Paul, stated he would participate in, and spoke in support of, the proposed pilot program, displayed pictures of homes in the inner-city he was currently looking at to rehabilitate, and along with Councilmember Ronquillo responded to questions of Acting President Mathys relative to Mr. Tuell's participation in the program and specifics of the Agency's financial commitment.

not be a duplication of the City's program, presented questions relative to the Agency's Set Aside funds and the duplication, with Agency Director Fitzpatrick and City Manager Reid responding, and noting the absence of appropriate staff requested discussion be continued to later in the meeting as he had more questions for staff. Councilmember Boyajian commended Mr. Tuell for what he wanted to do for the inner-city.

By Council consensus, the joint bodies recessed to later in the meeting for the presence of the City Attorney and the Director of Housing and Neighborhood Revitalization.

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The City Council convened in regular session at the hour of 9:03 a.m.

Father Jim Pappas, St. George Greek Orthodox Church, gave the invocation.

Tillie Tuschhoff led the Pledge of Allegiance to the Flag.

RESOLUTIONS OF COMMENDATION TO TILLIE TUSCHHOFF AND HOLON KINNEY - ACTING PRESIDENT MATHYS

Read and presented.

PROCLAMATION OF "CANTEEN OF FRESNO, INC. DAY" - COUNCILMEMBER QUINTERO

Laid over.

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APPROVE MINUTES:

The minutes of November 2, 1999, were approved as submitted.

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APPROVE AGENDA:

DIRECT STAFF TO DRAFT A CLEAN AIR ORDINANCE SIMILAR TO SAN FRANCISCO'S AND RETURN IN ONE WEEK - COUNCILMEMBER PEREA

Direction made and the matter was set for November 16, 1999, at 11:00 a.m.

On motion of Acting President Mathys, seconded by Councilmember Quintero, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Noes : None
Absent : None

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ADOPT CONSENT CALENDAR:

(1A-3) **RESOLUTION OF INTENTION RELATIVE TO ANNEXATION OF FINAL MAP OF TRACT 4801 AS ANNEXATION NO. 15 TO THE CITY OF FRESNO COMMUNITY FACILITIES DISTRICT NO. 2, AND SETTING THE HEARING FOR DECEMBER 14, 1999, AT 10:30 A.M. (***ADOPTED LATER IN THE MEETING – SEE BELOW***)**

City Clerk Klisch advised the staff report and resolution had been corrected to change the hearing time from 9:30 a.m. to 10:30 a.m. as listed above.

(1A-1) AWARD A CONTRACT TO AMERICAN PAVING COMPANY IN THE AMOUNT OF \$260,986.60 FOR CONSTRUCTION OF STREET IMPROVEMENTS ON STATE STREET AND BARCUS AVENUE

(1A-2) RESOLUTION NO. 99-319 - DEDICATING CERTAIN CITY-OWNED PROPERTY LOCATED AT THE SOUTHWEST CORNER OF ALLUVIAL AND DANTE AVENUES AS AN EASEMENT FOR PUBLIC STREET PURPOSES

On motion of Acting President Mathys, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR Items 1A-1 and 1A-2** hereby adopted, by the following vote:

Ayes : Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes : None
Absent : None

(1A-4) AWARD A CONTRACT FOR N. MARKS AVENUE UTILITIES RELOCATION, AND GRADING AT THE BURLINGTON NORTHERN & SANTA FE RAILWAYS

On motion of Acting President Mathys, seconded by Councilmember Ronquillo, duly carried, RESOLVED, a contract hereby awarded to Mauldin-Dorfmeier Construction in the amount of \$543,746 for N. Marks Avenue utilities relocation, and grading at the Burlington Northern & Santa Fe Railways, by the following vote:

Ayes : Boyajian, Bredefeld, Mathys, Quintero, Ronquillo, Steitz
Noes : Perea
Absent : None

**** (1A-3) RESOLUTION OF INTENTION RELATIVE TO ANNEXATION OF FINAL MAP OF TRACT 4801 AS ANNEXATION NO. 15 TO THE CITY OF FRESNO COMMUNITY FACILITIES DISTRICT NO. 2, AND SETTING THE HEARING FOR DECEMBER 14, 1999, AT 10:30 A.M.**

Consent Calendar had been adopted and ruled the vote late. Brief discussion ensued and **Item 1A-3** was removed from the Consent Calendar for action at 2:00 p.m. under “Contested Consent Calendar.”

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(5A) *BILL NO. B-70 - AMENDING SECTION 8-402 OF THE FRESNO MUNICIPAL CODE RELATING TO THE USE OF DESIGNATED PARK AREAS - PRESIDENT STEITZ

President Steitz advised this would clean up language and allow religious organizations to meet in a city park, and made a motion to introduce the bill. Upon question of Councilmember Boyajian, City Attorney Montoy stated there was no conflict with Church and State.

On motion of President Steitz, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the above entitled Bill No. B-70 introduced before the Council and laid over, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

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(5B) DIRECT THE CITY MANAGER TO PLACE PROPERTY LOCATED AT 1854 E. HOME AVENUE INTO THE ENTERPRISE ZONE AND REPORT BACK ON NOVEMBER 16, 1999 - COUNCILMEMBER PEREA

Briefly reviewed by Councilmember Perea who advised the intent was to redevelop the industrial area and made a motion to direct staff as outlined. City Manager Reid commented on the issue stating there were projects in the pipeline that would generate more jobs than the subject project, stated no information was submitted to determine if the property met enterprise zone requirements, noted technically the item as presented was not appropriate as a resolution was necessary, and requested staff be allowed to provide a report on the previously adopted policy and a staff recommendation on the request. Councilmember Perea directed the report also include the projects in the pipeline.

On motion of Councilmember Perea, seconded by Councilmember Ronquillo, duly carried, RESOLVED, staff to report back in one week on enterprise zone policy as related to the issue, along with a resolution placing the property located at 1854 E. Home Avenue into the Enterprise Zone, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

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(5C) RESOLUTION NO. 99-320 - INITIATING A TEXT AMENDMENT TO THE ZONING ORDINANCE OF THE FRESNO MUNICIPAL CODE RELATING TO GROUP HOMES - COUNCILMEMBER BOYAJIAN

APPROPRIATING FUNDS TO PAY ALL COSTS TO INITIATE AND PROCESS TO CONCLUSION THE GROUP HOMES TEXT AMENDMENT FROM A FUND TO BE IDENTIFIED BY COUNCIL

Briefly reviewed by Councilmember Boyajian who advised this would update the City’s code to reflect State and Federal law, emphasized this text amendment was greatly needed for the inner-city, and noted a funding source needed to be determined to process the text amendment.

Acting President Mathys commented on lack of a process for group homes; noted staff needed to be sensitive to locations and inform Council of plans for group homes in their districts; and stated he hoped this amendment would add clarity to the process. City Attorney Montoy responded to questions of President Steitz relative to what the changes were, if group homes were exempt from local ordinances, and the intent of the amendment. President Steitz clarified this was a “clean-up” ordinance and would not limit group homes and stated his support. Upon question of Councilmember Ronquillo, Ms. Montoy stated the amendment would provide a CUP process, with Councilmember Ronquillo commenting on some of the problems of group homes and expressed hope control and teeth would be placed in the process.

City Manager Reid commented on the issue and noted even though it had not been mentioned there had been some thought and a suggestion that perhaps Councilmembers might be willing to fund the initiation costs and if not, a funding source would have to be determined. Councilmember Perea stated when Council initiated policy it was the City Manager’s job to determine a funding source, not Council’s.

Ms. Montoy responded to questions of Councilmember Boyajian relative to how this amendment would make group homes more accountable to the neighborhoods. Councilmember Boyajian stated he concurred with Councilmember Perea’s comments on funding determinations.

(2 - 0) On motion of Councilmember Boyajian, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Resolution No. 99-320 hereby adopted; and staff directed to prepare and return in one week with an amendment to the AAR appropriating funds to pay all costs of the City to initiate and process to conclusion the Group Homes text amendment from a fund to be identified by Council, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

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Visiting students from Edison High School and Thomas Elementary School were recognized and welcomed.

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(5D) REQUEST COUNCIL APPROVAL ON COUNCIL COMMITTEE RECOMMENDATION FOR CITY OF FRESNO HIGHWAY 99 THEME - COUNCILMEMBERS RONQUILLO, BREDEFELD AND PRESIDENT STEITZ

requested Council input. President Steitz stated Council needed to decide and not refer this to committee after committee, and stated his support for a national park gateway theme citing the three surrounding national parks. Acting President Mathys suggested an agricultural theme with Councilmember Ronquillo advising Fresno County was pursuing that. Councilmember Bredefeld stated this should be a community endeavor and recommended the community come up with three themes and with a final decision by Council. Councilmember Quintero cited the ethnic diversity of Fresno and suggested "Welcome to Fresno--Where the Crossroads of the World Meet". Councilmember Ronquillo stated assistance by staff would be necessary if the community was going to be involved, and advised of the timeline. Acting President Mathys recommended Fresno, Clovis, Central and Sanger Unified School Districts be offered a challenge to each come up with a theme, with final determination by Council.

There was Council consensus for input by the school districts and assistance by staff, and it was determined the Council committee would meet to determine a process to obtain the school districts' input and report back to Council on December 14, 1999

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The City Council recessed at 9:43 a.m. and the Redevelopment Agency and City Council reconvened in joint session.

(8:30 A.M. "A") REQUEST STAFF, IN CONSULTATION WITH THE CITY ATTORNEY, TO PREPARE ENABLING DOCUMENTS AND RECOMMENDATION NECESSARY TO UTILIZE FUNDS FOR ACQUISITION, REHABILITATION AND RESALE OF SUBSTANDARD PROPERTIES

1. DIRECTION TO STAFF TO PREPARE AN AMENDMENT TO AAR 99-181 APPROPRIATING \$20,000 FROM DISTRICT 3'S GENERAL FUND INFRASTRUCTURE BUDGET AND \$20,000 FROM THE REDEVELOPMENT AGENCY HOUSING SET ASIDE TO FUND A PROGRAM OR PROJECT FOR THE ACQUISITION, REHABILITATION AND RESALE OF SUBSTANDARD PROPERTIES - CHAIR RONQUILLO (CONTINUED FROM EARLIER IN THE MEETING)

Housing and Neighborhood Revitalization Director Quiring responded to questions of Councilmember Bredefeld relative to duplication of the City's program, where the funds were coming from and if they were being taken away from other programs, and if staff would be reviewing the proposal and report back. President Steitz left the meeting at 9:44 a.m. and returned after the recess. Councilmember Ronquillo clarified the program would directly target homes that were vacant and abandoned, stated no such program currently existed, and commented on unspent RDA fund balances, expected tax increment, administration/staffing costs, and what State law provided for relative to expending funds. City Manager Reid rebutted some of Councilmember Ronquillo's statements relative to Housing Set Aside funds, noted information had been shared with the Agency Executive Director, and stated if the City and Agency wanted HNR to get out of the business of administering Housing Set Aside funds the City would turn the program over to the Agency but there would be loss of efficiencies and explained, with Councilmember Ronquillo stating that issue could be looked into at another time. Upon question of City Attorney Montoy, Councilmember Ronquillo clarified staff was being directed to prepare recommendations for the program and report back and no funds were being appropriated this date.

On motion of Councilmember Ronquillo, seconded by Acting President Mathys, duly carried, **RESOLVED**, staff directed to prepare and report back with enabling documents and recommendation necessary for a program to utilize funds for the acquisition, rehabilitation and resale of substandard properties, and prepare an amendment to

the AAR appropriating \$\$20,000 from District 3's general fund infrastructure budget and \$20,000 from the Redevelopment Agency Housing Set Aside to fund the program, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo
Noes	:	None
Absent	:	Steitz

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RECESS - 9:52 A.M. - 10:38 A.M.

(10:30 A.M.) WORKSHOP/OVERVIEW OF CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES AND CITY IMPLEMENTATION

Planning Manager Yovino gave an overview of the issue; Planner Beach reviewed the CEQA process and procedures at length **(3 - 0)**; and Deputy City Attorney Cresap reviewed the legal aspects.

Extensive discussion ensued with Mr. Beach, Mr. Yovino, City Manager Reid and City Attorney Montoy responding to numerous questions, issues and concerns **(4 - 0)**. Being a workshop, there was no action required. Acting President Mathys briefly left the dais at 11:51 a.m.

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(11:00 A.M. #1) HEARING ON PLAN AMENDMENT NO. A-99-17, REZONE APPLICATION NO. R-99-26, AND ENVIRONMENTAL FINDINGS, FILED BY CAMBRIDGE HOMES (ON BEHALF OF JILL AND J. RICHTER), PROPERTY LOCATED ON THE NORTHEASTERLY SIDE OF W. SPRUCE AVENUE, WEST OF N. BLYTHE AND EAST OF N. MILBURN AVENUES (REQUEST BY APPLICANT TO CONTINUE TO NOVEMBER 30, 1999, AT 11:00 A.M.)

On motion of Councilmember Quintero, seconded by President Steitz, duly carried, RESOLVED, the hearing on Plan Amendment No. A-99-17, Rezone Application No. R-99-26, and environmental findings, filed by Cambridge Homes (on behalf of Jill and J. Richter), continued as requested to November 30, 1999, at 11:00 a.m., by the following vote:

Ayes	:	Boyajian, Bredefeld, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	Mathys

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(11:00 A.M. #2) *RESOLUTION - SUBMITTING TO CITY ELECTORS A PROPOSED CHARTER AMENDMENT TO REQUIRE PROPERTY OWNERS OR TENANTS OF SINGLE-FAMILY HOUSING UNITS WITH BUILDING PERMITS ISSUED AFTER THE DATE OF ENACTMENT TO BE CHARGED FOR WATER CONSUMPTION BASED ON WATER METER READINGS, AND PLACING SAID MEASURE ON THE MARCH 7, 2000, ELECTION BALLOT - COUNCILMEMBERS PEREA AND RONQUILLO

Councilmember Perea reviewed the issue; clarified what the issue was *not* about; noted the City was in a very serious situation with the Bureau of Reclamation and 60,000 acre feet of water and the City needed to act decisively and explained; advised another issue was the desert environment we lived in and explained; stated at issue was placement of a water meter measure before the voters so they could help show the Bureau that the City was making good faith efforts to conserve water; and requested Council's support and made a motion to adopt the resolution, which motion was seconded and acted upon after lengthy discussion.

Speaking in support of the motion were: Larry Willey, 5502 W. Mission #103, Chamber Chairman of the Board for the year 2000, who also advised of a request by Richard Johansen, Fresno Business Council, to consider his letter in support of the issue; Attorney Christopher Campbell, Baker Manock and Jensen, environmental and water matters specialist, former Chair of the Chamber Water Resource, and head of a coalition in support of the concept of metering in Fresno; and Julianne Dittman, Fresno County Farm Bureau Executive Director, 863 E. Richmond.

Upon call, no one else wished to be heard and President Steitz closed the public testimony portion of the issue.

Mr. Campbell responded to questions of City Manager Reid relative to whether this proposal would satisfy the Bureau's requirements, language in the statute and if the City was complying, result if this issue was placed on the ballot along with the voluntary measure with one passing and one failing, and the Bureau's tiered water pricing strategies. Mr. Reid stated the City took the water conservation issue very seriously, commented on the City's support for the voluntary program and explained why this proposal posed a risk, and emphasized the City was pursuing water conservation strategies.

Acting President Mathys stated it was not clear if the federal government could take water from the City and explained; stated research showed city residents used only 15% of the water supply with the balance utilized by commercial, industrial and agricultural; and emphasized the real issue was mandatory meters and he would not support the issue.

Mr. Reid and Water Systems Manager McIntyre responded to questions of Councilmember Bredefeld relative to the number of single-family homes planned for the future and the percentage of water used by city residents. Councilmember Bredefeld stated although he supported meters and would be volunteering if the measure passed, he would not be supporting this issue because of (1) the 1993 majority vote of the people opposing water meters, (2) the unfairness of focusing on new development, and (3) confusion with two issues on the ballot; presented questions relative to the retrofit issue and the argument that voluntary meters were not effective, with Mr. Reid and Mr. Campbell responding; expressed concern with the Federal government mandating to local government without providing resources; and encouraged an educational campaign.

(5 - 0) Mr. Willey, Mr. McIntyre and Mr. Campbell responded to questions of Councilmembers Boyajian and Ronquillo relative to discussions with Mr. Richardson relative to whether voluntary meters would make a difference, if this proposal would satisfy the Bureau, if a study had been conducted relative to increase/decrease in water rates with meters, City's alternatives if the 60,000 acre feet of water was lost, negotiating or being given a second chance if a ballot measure failed, percentage of water consumed by Fresno County and the city, and the Chamber starting a signature campaign initiative to place water meters on the ballot. Councilmember Ronquillo expressed his opposition to meters emphasizing there would be costs associated and the threshold would not get

lower after a certain point; and stated meter proponents should bear the entire cost to place measures on the ballot and questioned if that could be made part of the motion, with Councilmember Perea stating he did not feel it was appropriate at this time.

Mr. McIntyre responded to questions of President Steitz relative to how county islands were charged for water and if new housing in the county would be metered. President Steitz stated he opposed the issue as it would confuse the whole issue of voluntary meters and added voluntary meters would bring the City closer to what the Bureau was asking for. Upon question of Councilmember Bredefeld, City Attorney Montoy stated the resolution was subject to the Mayor's veto.

Councilmember Ronquillo made a motion that proponents, outside of taxpayers, pay all costs to place a water meter issue on the ballot. Brief discussion ensued on who the proponents were and if combining this measure with the voluntary measure would save money.

A motion of Councilmember Ronquillo, seconded by Acting President Mathys, to require water meter proponents to pay all costs associated with placing a water meter initiative on the ballot failed, by the following vote:

Ayes	:	Ronquillo
Noes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Steitz
Absent	:	None

A motion of Councilmember Perea, seconded by Councilmember Boyajian, to adopt the above entitled Resolution failed, by the following vote:

Ayes	:	Boyajian, Perea, Quintero
Noes	:	Bredefeld, Mathys, Ronquillo, Steitz
Absent	:	None

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LUNCH RECESS - 12:55 P.M. - 2:18 P.M. Councilmembers Bredefeld, Quintero and Ronquillo arrived after closed session.

(2:00 P.M. #1) CONTESTED CONSENT CALENDAR:

(1A-3) RESOLUTION NO. 99-321 - INTENT TO ANNEX THE FINAL MAP OF TRACT NO. 4801 AS ANNEXATION NO. 15 TO THE CITY OF FRESNO COMMUNITY FACILITIES DISTRICT NO. 2 AND AUTHORIZE THE LEVY OF SPECIAL TAXES, AND SETTING A PUBLIC HEARING FOR DECEMBER 14, 1999, AT 10:30 A.M.

On motion of President Steitz, seconded by Councilmember Boyajian, duly carried, RESOLVED, the above entitled Resolution No. 99-321 hereby adopted by the following vote:

Ayes	:	Boyajian, Mathys, Perea, Steitz
Noes	:	None
Absent	:	Bredefeld, Quintero, Ronquillo

annexation.

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(2:00 P.M.#2) CLOSED SESSION:

(A.) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (a) - CASE NAME: A.H.D.C. V. CITY OF FRESNO, ET AL.

The Council met in closed session in Room 2125 at the hour of 2:20 p.m. to consider the above issue and reconvened in regular open session at 2:47 p.m. with all Councilmembers present.

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(2:30 P.M.) CONTINUED HEARING TO CONSIDER THE REQUEST OF AT&T CORPORATION AND MEDIA ONE OF FRESNO, CALIFORNIA, INC., FOR APPROVAL AND CONSENT TO CHANGE OF CONTROL OF CABLE ANTENNA TELEVISION SYSTEM FRANCHISE, UNDER CABLE TELEVISION ORDINANCE AND FCC APPLICATION 394, AND DETERMINING WHETHER TO APPROVE, APPROVE WITH CONDITIONS, DENY, OR TAKE OTHER APPROPRIATE ACTION

1. RESOLUTION - APPROVING THE TRANSFER OF CONTROL OF MEDIA ONE GROUP, INC. AND AT&T CORPORATION (ALTERNATIVE “A”)

2. RESOLUTION - CONDITIONALLY APPROVING THE TRANSFER OF CONTROL OF MEDIA ONE GROUP, INC. AND AT&T CORPORATION BY REQUIRING OPEN ACCESS (ALTERNATIVE “B”)

3. * RESOLUTION NO. 99-322 - APPROVING THE TRANSFER OF CONTROL OF MEDIA ONE GROUP, INC. AND AT&T CORPORATION (REVISIT OPEN ACCESS ISSUE IN SIX (6) MONTHS) (ALTERNATIVE “C”)

City Attorney Montoy reviewed the background and gave an overview of the issue, explained the three alternative resolutions before Council, and recommended Alternative “C” be adopted and advised the resolutions were subject to the Mayor’s veto.

Councilmember Ronquillo advised his wife worked for Pacific Bell, recused himself due to a conflict of interest, and left at 2:56 p.m. and was absent for the remainder of the meeting.

Karen Munro, Regional Vice President, Media One, 1945 N. Helm, spoke in support of the transfer and recognized and asked MediaOne employees in attendance to stand.

Upon question of Acting President Mathys, Ms. Montoy advised if no proposal was adopted the City would be subject to a “deemed approved” transfer and explained.

Speaking to the issue were: Cindy Daly, Vice President of External Affairs, AT&T, 2927 Prospect, Sacramento; Terry Dull, 1457 E. Magill, MediaOne Design and Engineering Department; Nadine Cox, President, Communications Workers Local 9408, 7370 N. Warren; John Coyle, President, Internet Plus, 4631 N. Van Ness; Mark Scozzari, Open Access Alliance (**6 - 0**); Kenneth Frederick, 3880 N. Fruit #125, Community Services Representative, MediaOne; Marty Murphy, 6549 N. Palm, Public Relations Manager, MediaOne; Keith Epstein,

General Counsel, Pacific Bell Internet, 303 2nd Street, S.F.; Joe Delgado, Jr.; Gloria Salis, 3819 E. Fountain Way; Linda Labene, 5122 W. Austin, MediaOne employee; Gene Snider, President, Central Telephone and Telegraph; and Phillip Tarrazi.

Continuing were: Dick Rolph, 1817 N. Farris, President, Quadranet Services; John Nellum; Richard Whitlock, 757 L Street, Net Communications; Amy Forbes, Attorney, representing Pacific Bell and Open Access Alliance; Greg Tally, Associate Editor with Boardwatch Magazine, 13949 W. Colfax, Colorado; Debra Lystad, MediaOne employee, 5164 E. Ashlan #113; Paul Deffenbach, 6346 N. Del Mar; Joe Rocha; Chastity Cervantez, 5466 N. Figarden #206; Sherry Garrett, 3014 E. Fremont; Justin Ruben, 1152 E. Elizabeth; Venancio Gaona, President, El Concilio de Fresno, 5209 E. Hamilton; Bob Howard, MediaOne employee, 4912 N. Glenn; Susan Herman, former regulator, Open Access Alliance; Chad Cotton, 757 L Street; and Mike Corcoran, Skylinks, 1060 Fulton Mall.

Upon call, no one else wished to be heard and President Steitz closed the public testimony portion of the hearing.

(7 - 0) Councilmember Bredefeld commented on the issue; stressed it was not government's role to regulate; stated he would support the transfer and welcome AT&T to the community adding he did not feel the Internet would be restricted, and made a motion to adopt Alternative "C", which motion was seconded and acted upon after discussion.

Ms. Montoy, Ms. Daly, and Erik Johnson, representing Pacific Bell, responded to questions of Councilmember Perea relative to the City's options if after 6 months it was determined open access was being denied, if adoption of Alternative "C" would trigger litigation, if AT&T was attempting to get into the system to access Pacific Bell's telephone market, and Pacific Bell's and AT&T's corporate commitment to the community.

Ms. Montoy, Ms. Daly, Ms. Munro, Mr. Johnson and Mr. Rolph responded to questions of Councilmember Boyajian at length relative to how open access would be implemented if approved and how long it would take, timeline to implement Alternative "A", difficulty of implementing "A" and "B", if AT&T's system was ready to go, MediaOne's percentage of the Internet market, MediaOne's \$80 million investment, ISP's, MediaOne going from an entertainment element to a communications element, monopolies and deregulation, if AT&T should be regulated, why Pacific Bell felt open access needed to be implemented as soon as possible, and impact to local ISP's with a delay in open access.

Councilmember Bredefeld advised there were approximately 1,500 cities who had not imposed restrictions and would share Fresno's view, if Alternative "C" passed, that the private sector and the Internet should be left to flourish on their own without governmental regulation. President Steitz noted his comments on the issue from the prior week stood, and clarified Alternative "C" would bring the open access issue back to Council on May 11, 2000, or sooner.

On motion of Councilmember Bredefeld, seconded by President Steitz, duly carried, RESOLVED, the above entitled Resolution No. 99-322, Alternative "C", hereby adopted, by the following vote:

Ayes : Boyajian, Bredefeld, Perea, Steitz
Noes : Mathys, Quintero
Absent : Ronquillo

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RECESS - 4:42 P.M. - 4:53 P.M. Councilmember Perea was absent for the remainder of the meeting.

(4:00 P.M.) DIRECT STAFF TO NEGOTIATE WITH THE FRESNO METROPOLITAN FLOOD CONTROL DISTRICT FOR YEAR-ROUND OPERATION OF BASIN AH-1 (ON EL CAPITAN AVENUE) AS A DOG PARK - ACTING PRESIDENT MATHYS

Acting President Mathys thanked the Council and taxpayers for the handicapped ramp project noting construction would be starting soon, and gave a brief overview on the intent of the issue.

Parks and Recreation Director Primavera advised the City could take control of the park by amending the Master Agreement with the Flood Control District, and advised staff had engaged in discussions with the District and received base language that would work to make that change. District 2 Council Assistant Mabray reviewed financial issues and along with Acting President Mathys, advised there would be no additional cost to the City.

(8 - 0) Speaking in support of a year-round dog park were: Michael Haney, President, FIDO, 7301 N. Brooks; Dr. John Bonner, 1551 W. Escalon; Leanna Holly, 4526 W. Palo Alto #104; Jeff Rowland, 6499 N. Wishon; and Mr. Dodson, 1643 W. Ashcroft.

Acting President Mathys stated this was a quality of life issue that meant a lot to a lot of people and requested Council's support.

On motion of Acting President Mathys, seconded by Councilmember Bredefeld, duly carried, **RESOLVED**, staff directed to enter into negotiations with the Fresno Metropolitan Flood Control District for year-round operation of Basin AH-1 as a dog park and return with an agreement on January 4, 2000, by the following vote:

Ayes : Boyajian, Bredefeld, Mathys, Quintero, Steitz
Noes : None
Absent : Perea, Ronquillo

1. APPEARANCE BY BRUCE JOHNSON, JR. REGARDING A PROPOSAL FOR A ONE-ACRE DOG PARK AT WOODWARD PARK

Appearance made with Mr. Johnson stating he hoped Council would support the proposal and noted he had a petition containing over 520 signatures in support.

Brief discussion ensued on the need for another dog park, if other sites had been considered including one more centrally located, obtaining a report back from staff with recommendations, and considering another flood control basin. Mr. Johnson displayed a map on the overhead indicating the site being proposed at Woodward Park, and Councilmember Bredefeld clarified all practical locations would be looked into by staff, including Woodward Park.

By Council consensus, staff was directed to report back on additional sites.

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ADJOURNMENT

There being no further business to bring before the Council, the hour of 5:20 p.m. having arrived and hearing no objections, President Steitz declared the meeting adjourned.

DATED this _____ day of _____, 1999.

_____	ATTEST: _____
Ken Steitz, Council President	Yolanda Salazar, Assistant City Clerk